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MEMBER N.Y. AND CONN. BARS

March 16, 2020

VIA ECF

Hon. Kenneth M. Karas
United States District Judge
United States District Court, S.D.N.Y
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: Angela Alvarez v. Poughkeepsie City School District
Index No. 18-cv-9404 (KMK) (PED)

Dear Judge Karas:

Together with Michael Ranis, Esq., we represent Plaintiff Angela Alvarez ("Plaintiff" or "Alvarez") in the above-referenced matter, and are writing to request a 45-60 day stay in this litigation in light of the myriad problems and chaos brought on by the coronavirus pandemic. Defendant's counsel joins in this request.

The parties have three outstanding depositions to complete: (1) a critical non-party witness who is a former employee of the Poughkeepsie City School District ("District"); (2) the District's 30(b)(6) witness; and (3) the Plaintiff's Expert witness who will testify as to the Plaintiff's emotional distress. The parties have worked through a number of issues concerning the availability of these witnesses (e.g., turnover in the District necessitated a request for an extension so the District would have a 30(b)(6) witness with adequate working knowledge of the deposition issues, and Defendant then determined that the Superintendent would be its 30(b)(6) witness).

The parties have worked amicably toward completing discovery and have had, as well, superior guidance from Magistrate Judge Davison. Although the parties had assigned dates for completion of the above, circumstances beyond our control have made it impossible to complete discovery by the April 18, 2020 deadline in Your Honor's discovery Order. These include, but

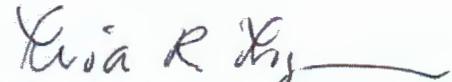
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are not limited to: (1) the Plaintiff's illness, which necessitated her postponing her examination by the Expert; (2) the unavailability of the District former employee for deposition this Wednesday because of an unexpected conflict with her childcare responsibilities for her grandchild brought about by current developments regarding the coronavirus that prevents her from traveling as scheduled for her deposition; (3) the fact that the District has now closed in light of the pandemic and the inability of defense counsel to confirm the availability of the Superintendent for his deposition on March 25, 2020 based upon that development. Added to this are the concerns of the undersigned (over age 65 and therefore in an at-risk group) about having anyone appear in person for a deposition in light of the rapidly spreading area of contagion, and the lack of testing of anyone appearing for a deposition, thereby preventing anyone from knowing that the deposition would be coronavirus-free. Notably, even if a deposition is conducted remotely and by video, the court reporter and the deponent must appear in the same room in order for the deponent to be sworn, thereby not eliminating these concerns and raising others. While the Expert and the Plaintiff are presently expecting to work remotely, that too will depend on their health and the health of their families; the Plaintiff has two school age children and an infant.

In light of the foregoing, we request a 45-60 day stay, and then re-examining the situation at that time. From the foregoing, it is clear that, even if we were able to proceed with the depositions as currently scheduled, we cannot do so because of virus-related concerns.

We appreciate the Court's time and attention to this matter.

Respectfully,


Lisa R. Lipman

Granted. The case is
stayed for 60 days.

cc: **VIA ECF and ELECTRONIC MAIL**
Gerald S. Smith, Esq.
Attorneys for Defendant

Michael Ranis, Esq.
Attorney for Plaintiff

So ordered.
A. M.Y.
3/16/20